THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.6888 OF 2007

Dated 10-04-2007

Between:
Nagarjuna Hitech Constructions …Petitioner

And

The Commercial Tax Officer
And others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.6888 OF 2007

O R D E R ***(Per the Hon'ble Sri Justice Bilal Nazki):***

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

By communication dated 24-03-2007 the Assistant General Manager of State Bank of Hyderabad had informed the petitioner that his account to the extent of Rs.3,16,931/- has been kept on hold in view of a communication received by them from the Commercial Tax Officer. The grievance of the petitioner is that assessment order was not served on him and the bank has kept on hold his account to the extent of the disputed liability. But, in para 3 of the affidavit, filed in support of the writ petition, it is stated by the petitioner that he approached the first respondent for a copy of the assessment order and he was told that the order had been served on his Office Assistant, T.Venkatesam. He submits that the said Venkatesam had left his Office.

These are questions, which cannot be gone into by this Court in this writ petition, but the grievance of the petitioner is that he cannot even file an appeal in the absence of a copy of the assessment order although he himself has stated in the affidavit that a copy of the

assessment order had been served on him through his Office Assistant. In any case, we do not intend to go into this question, but dispose of the writ petition directing the first respondent to furnish a fresh copy of the assessment order to the petitioner in pursuance of his application dated 20-03-2007. By furnishing fresh copy of the assessment order to the petitioner, it should not be construed that the period of limitation for filing the appeal will start from the day the copy is furnished to the petitioner. In case any appeal is filed by the petitioner it will be for the appellate authority to see whether an assessment order had been served on the petitioner through his Office Assistant in the month of September, 2006 or not.

The writ petition is accordingly disposed of. No order as to costs.

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(Bilal Nazki,J)

Dated 10th April, 2007

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(Nooty Ramamohana Rao,J)

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